IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO : 21962 of 1994

Between:

1 P.Ramesh Babu, S/o.P.Thippaiah,
R/o.16-11-511/D/63A, Shalivahana Nagar, Dilsukhnagar,
Hyderabad. (Hall Ticket.No.72253)
2 M.Ramakrishna Reddy, S/o.M.Prasada Reddy,
Hall Ticket.No.71863, Narpala Mandal, Ananthapur District.
3 Ch.Bharat Kumar, C/o.G.C.B.Krishnayya,
R/o.H.No.1-1-380/1, Ashok Nagar Extension, Musheerabad,
Hyderabad.
4 D.V.Ramana Reddy, S/o.D.V.Chengal Reddy,
Hall Ticket No.70527 (qualified) R/o.H.No.8-55, Pileru,
Chittoor District.
5 G.Prasad, Hall.Ticket.No.71065,

R/o.H.No.16-11-511/D/132, Shalivahananagar,
Hyderabad.

..... PETITIONERS

AND

A.P State Electricity Board, represented by its Member
Secretary, Vidyut Soudha, Khairtabad, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to fill up the posts of Asst Engineers only by direct recruitment by holding the action of the respondent in filling up the vacancies of Asst Engineer by absorption of Sub-Engineers as illegal, bad and arbitrary.

Counsel for the Petitioners: MR.J.R.MANOHAR RAO

Counsel for the Respondent: MR.SAMINENI KISHORE, Standing Counsel for A.P. State Electricity Board.

The Court made the following:

ORAL ORDER:

Heard Sri J.R.Manohar Rao, learned counsel for the petitioners and Sri M.Samineni Kishore, learned Standing Counsel for the respondent.

2. The grievance of the petitioners in this Writ Petition is that the respondent is filling up the posts of Assistant Engineers by absorption, other than by way of direct recruitment. They refer to the Notification issued on 7.6.1994 and contend that the respondent ought to have completed the process of selection pursuant to the notification instead of absorbing persons who were earlier recruited as Sub-Engineers on temporary basis. It is the case of petitioners that the Sub-Engineers, who have been absorbed, were appointed by a back door method denying the petitioners an opportunity of being considered for appointment, which they would have if the posts had been filled up by direct recruitment.

3. The interim direction sought by the petitioners that the vacancies of Assistant Engineers not be filled up except by way of direct recruitment, was rejected by this Court by order in WPMP.No.27289 of 1994, dated 16.12.1994, holding that there was no reason to grant such interim directions. However, appointments to the posts of Assistant Engineers were made subject to the result of the Writ Petition.

4. The learned Standing Counsel for the respondent submits that subsequent events such as trifurcation of the erstwhile A.P. State Electricity Board into A.P. Genco, A.P. Transco and A.P. Distribution Companies, which again were sub-divided into four separate Distribution Companies renders the cause in the Writ Petition infructuous. It is submitted that subsequent instructions of A.P. Transco clearly stipulate the mode and manner of recruitment and that since more than 11 years have passed since the date of filing of the Writ Petition and in the absence of affected persons being arrayed as party respondents in the Writ Petition, the Writ Petition is liable to be dismissed.

5. I see considerable force in the aforesaid submissions of the learned Standing Counsel for the respondent. At this point of time, when more than 11 years has elapsed since the notification was issued on 7.6.1994, (under which the petitioners' claim that they ought to have been considered), since no interim orders were passed in the Writ Petition and inasmuch as subsequently the A.P. State Electricity Board has been trifurcated and no longer exists in its original condition, the petitioners are disentitled from seeking the relief sought for in the Writ Petition.

6. The learned counsel for the petitioners contends that A.P. Transco continues to absorb persons engaged on temporary basis instead of issuing notification inviting applications from eligible candidates for direct recruitment. Needless to state that if the petitioners have any grievance in this regard, it is always open for them to take such steps as are available to them in law.

7. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

01.07.2005

SSR

To

1. The Member Secretary, A.P State Electricity Board,

   Vidyut Soudha, Khairtabad, Hyderabad.

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